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however, is becoming less and less important as the states approach uniformity of legislation and mutual reciprocity.

In conclusion, it may be said that this later edition is a very complete and valuable work, and is by far the most thorough treatment of the subject which has yet appeared.

A TREATISE ON THE LAW OF CONVERSION. By Renzo D. Bowers. Pp. LX, 583. Boston: Little, Brown & Company, 1917.

There is place for an exhaustive and scientific treatise on the Law of Conversion. The title of Mr. Bowers's book and the reputation of its publishers give promise that it would fill this need.

Unfortunately, the book is not in any true sense a treatise. The exposition of general principle is cursory and superficial. There is no critical examination, no analytical exposition of the obscure places of the subject. Where there is a conflict of authority, the author rarely expresses any personal view, but contents himself with giving extracts from one or more judicial opinions on each side. In a word, the book is not a treatise, but a digest, or perhaps more accurately an expansion of such treatments of legal subjects as are found in the various legal encyclopedias. As such it has its place and usefulness. Its arrangement is purely external. Nearly half of the book is taken up with three subjects: "What May Be Converted," "Who May Be Guilty of Conversion," and "What Acts Amount to Conversions." Each subject is subdivided along purely external lines. For example, the chapter on "Who May Be Guilty of Conversion" has fourteen subheads, Principals, Agents, Officers, Pledges, Bailees, Executors and Administrators, Carriers of Goods, Mortgagor or Mortgagee, Corporations, Municipal Corporations, Partners, Co-Tenants, Purchasers for Unauthorized Vendees and Infants. The liability for almost every conceivable form of conversion of each class is fully stated, and then often restated in the chapters which specify the various chattels which may be converted and the various acts which amount to conversion. For instance the liability of a bailee, and more particularly an infant bailee, for using a chattel contrary to the terms of the bailment is stated in the three chapters without variation or difference in discussion. While this arrangement unduly expands the book, it may be of service to an attorney who, without much previous theoretical knowledge of the subject, wants to find the American decisions on some given situation in that, if he misses it in one chapter, he is almost sure to stumble on it in another.

In the effort to exhaust the subject, there is a mass of matter only indirectly related to the Law of Conversion. Rules of Evidence, which have no peculiar application to actions of trover are set forth at length, and over ten pages are devoted to a statement of the peculiarly limited liability of municipal corporations for torts in general, and a whole chapter is devoted to the right to waive conversion and sue in *indebitatus assumpsit*, a subject much more appropriately and scientifically discussed in several

well-known Treatises on Quasi Contracts.* But with all its redundancy, notwithstanding its almost total omission of even the most leading British cases, notwithstanding occasional misreadings of well-known decisions, for example that of *Simmons v. Lillystone* (Sec. 6), the author has not only shown immense industry, but has produced a work of some value to practising lawyers. The book, though hardly of the sort which one has become accustomed to expect from the publishers, is in physical make-up fully up to their standard.

Francis H. Bohlen.

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EQUITY IN ITS RELATIONS TO COMMON LAW. By W. B. Billson. Boston: Boston Book Co., 1917.

This little book is an inquiry into the nature of the distinction between law and equity; an attempt to discover whether the jurisdiction of equity was, in the main, procedural or whether it was based on substantive doctrines different from those of the common law, and growing out of a superior or more modern morality. The view taken is that equity has not been restricted, as frequently contended, to the relief of such common law defects as were due to inadequacies of procedure, but has had for its province as well the enforcement of a superior morality by relieving in the interests of good conscience against many types of defects in the substantive law. Upon this question conflicting views have been entertained. The main thesis of the work is an attack upon the procedural theory, as stated by Blackstone and supported as the author candidly admits by such authorities as Story, Adams, Maitland and Langdell. It is particularly with the exposition of Langdell in his "Brief Survey of Equity Jurisdiction" that the author takes issue. He would be a bold man who would attempt to sum up so ancient and obscure a controversy, and the author is entitled to credit for the philosophical and scholarly spirit in which he has undertaken his task. Theoretically the matter is one of interest; practically, in these days when law and equity, like the lion and the lamb have lain down together, it may be doubted whether the question is of as much importance as would appear at the first glance. Even Pomeroy, whose views are in seeming conflict with those of Langdell, concedes that equity "no longer inaugurates new attacks upon legal doctrines, and confines itself to the application of principles already settled." It may even be doubted whether the eminent jurists who have attempted to generalize upon a subject that is the product of slow growth and cross currents of opinion, were as far apart in fact as the literal acceptance of their words would lead one to believe.

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* See Reference to Mr. Bowers's chapter on "Waiver of Conversion," 66 UNIV. OF PA. L. REV. 185.